

**RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
PUBLIC NOTICE**

Pursuant to the provisions of Chapters 20-1, 42-17.1, 42-17.2 and 42-17.6 of the General Laws of Rhode Island as amended, and in accordance with the Administrative Procedures Act Chapter 42-35 of the General Laws of 1956, as amended, the Director of the Department of Environmental Management (DEM) proposes rulemaking relative to the **RI Hunting Regulations For The Waterfowl Season 2011-2012 RI Falconry Regulations for the 2011-2012 Season, Rules and Regulations Governing Nuisance Wildlife Control Specialists , and Rules and Regulations Governing Wildlife Rehabilitation** and gives notice of intent to hold a public hearing to afford interested parties the opportunity for public comment. Public comments will be solicited on the following proposals:

1. **Proposed adoption of the RI Falconry Regulations for the 2011-2012 Season**
2. **Proposed adoption of the RI Hunting Regulations For The Waterfowl Season 2011-2012**
3. **Proposed adoption of the Rules and Regulations Governing Nuisance Wildlife Control Specialists**
4. **Proposed adoption of the Rules and Regulations Governing Wildlife Rehabilitation**

The public hearing will be held on **Monday, August 29, 2011 at 7:00 P.M.** at the North Kingstown Community Center on Beach Street in North Kingstown (off Rt. 1A, just south of Wickford). The hearing room is accessible to the handicapped. A recording of the hearing will be made and the DEM will provide interpreter services for the hearing impaired, provided such a request is made at least 48 hours prior to the hearing date. A request for this service can be made in writing or by calling (401) 222-6800 for TDD (401) 831-5508. Written comments concerning the regulations proposed for promulgation by the DEM may also be submitted to the Division of Fish and Wildlife, 227 Great Neck Rd., West Kingston, RI 02892 no later than 12:00 PM **on August 29 2011.**

The proposed regulations will establish applicable hunting seasons, bag limits, and methods of taking migratory waterfowl, the practice of falconry, amend rules and regulations for nuisance wildlife control., and amend rules and regulations governing wildlife rehabilitation. A copy of all the proposed regulations will be available for examination from **July 29, 2011 through August 29, 2011** by mail or at the offices of the Division of Fish and Wildlife located at 277 Great Neck Rd., West Kingston, RI 02892, weekdays from 8:30 – 4:00 PM or by calling the Division at (401) 789-0281. Electronic copies of the proposed regulations will also be available on the DEM website at www.dem.ri.gov/programs/bnatres/fishwild/index.htm

Pursuant to the requirements of Section 42-35-3 of the Rhode Island General Laws, DEM has made the following determinations. DEM has considered alternative approaches to the proposed regulations and has determined that there is no alternative approach among the alternatives considered that would be as effective and less burdensome. DEM has determined that the proposed regulations do not overlap/duplicate any other State regulations. DEM has determined the proposed regulations will not result in a significant adverse economic impact on small businesses or any city or town. DEM encourages the submission of written comments on the proposed regulations and above determinations prior to the date of the public hearing. All written comments should be sent to the Department at the address indicated above and should be received no later than 12:00 PM on **August 29, 2011.**

Janet Coit
Director, Department of Environmental Management

State of Rhode Island and Providence Plantations
Department of Administration
Budget Office

Fiscal Note for Proposed Administrative Rules (R.I.G.L. Section 22-12-1.1)

Name of Administrative Rule: State of Rhode Island
Department of Environmental Management

Date of Notice: July 28, 2011

Date of Hearing: August 29, 2011

RIGL: These regulations are authorized pursuant to R.I. Gen. Laws Chapters 42-17.1, 20-1, 20-3, and 2-6 as amended, and have been promulgated pursuant to the procedures set forth in the R.I. Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35.

FISCAL IMPACT

<i>Revenues</i>		<i>State Expenditures</i>		<i>City/Town Expenditures</i>	
FY 2011	\$ 0	FY 2011	\$ 0	FY 2011	\$ 0
FY 2012	\$ 0	FY 2012	\$ 0	FY 2012	\$ 0

Summary of Policy Change: The proposed amendments would amend the regulations governing falconry, seasons and bag limits for waterfowl hunting activities; dates and access availability for recreational users only, rules and regulations for nuisance wildlife control specialists, and wildlife rehabilitators.

Summary of Fiscal Impact: There will be no deleterious fiscal effects due to the amendment of these regulations on the state level.

City or Town Impact: There should be no impact at the municipal level .

Approved:

Thomas A. Mullaney, Executive Director/State Budget Officer
Department of Administration



**RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

235 Promenade Street, Providence, RI 02908-5767

TDD 401-831-5508

July 28, 2011

TO: Peter Dennehy, RI Department of Administration
Sherri Lynn Carrera, RI Economic Development Corporation
Kerry King, Office of the Governor

FROM: Gary Powers, Deputy Chief, Legal Services
Department of Environmental Management

SUBJECT: Economic Impact and Regulatory Flexibility

Relevant Regulations Affected:

- 1. RI Hunting Regulations for the Waterfowl Season 2011-2012**
- 2. RI Falconry Regulations for the 2011-2012 Season**
- 3. Rules and Regulations Governing Nuisance Wildlife Control Specialists**
- 4. Rules and Regulations Governing Wildlife Rehabilitation**

Authority:

Waterfowl Hunting Regulations: These regulations are adopted in accordance with Sections 20-1-4, 20-1-12 and 20-1-13, 20-2-35, 20-2-37 as well as Chapters 42-17.1 and 42-17.6, consistent with the requirements of Chapter 42-35, Administrative Procedures Act of the General Laws of 1956, as amended.

Falconry Regulations : These regulations are adopted in accordance with Sections 20-1-4, 20-1-12, and 20-1-13, as well as Chapter 42-17.1 "DEM", 42-17.6, consistent with the requirements of 42-35, Administrative Procedures Act of the General Laws of 1956, as amended.

Rules and Regulations Governing Nuisance Wildlife Control Specialists: These regulations are adopted in accordance with Sections 20-1-18 and 20-1-22 as well as Chapter 42-35 , Administrative Procedures Act of the General Laws of 1956, as amended.

Rules and Regulations Governing Wildlife Rehabilitation: These regulations are adopted in accordance with Sections 20-1-4, 20-1-18, 20-1-22, 20-37-3 as well as Chapters 42-17.1 "DEM", 42-17.6 consistent with the requirements of 42-35, Administrative Procedures Act of the General Laws of 1956, as amended.

Summary of Proposed Regulation Changes:

The Waterfowl Hunting Regulations are required pursuant to RIGL §20-1-13 to remain in effect for no longer than one year following their effective date. As such, the Department is required to promulgate these regulations annually. Regulation changes pertain to calendar date changes, hunting season and bag limits. RI Falconry Regulation changes pertain to date changes only. The Rules and Regulations Governing Nuisance Wildlife Control changes pertain to the species identification and requirements for the rehabilitation of orphaned rabies vector species and the means allowed for the taking of nuisance animals. The Rules and Regulations Governing Wildlife Rehabilitation changes pertain to sub-permittee prohibitions

regarding handling raptors and rabies-vector species, Level 1 apprenticeship requirements, application requirements, non rabies vector rehabilitated release exceptions, and rabies vector orphaned, young rehabilitation exceptions.

Where to find the specific language changes: Drafts www.dem.ri.gov

- 1. RI Hunting Regulations for the Waterfowl Season 2010-2011 – Newly Adopted**
- 2. RI Falconry Regulations for the 2010-2011 Season – Newly Adopted**
- 3. Rules and Regulations Governing Nuisance Wildlife Control Specialists – Newly Adopted**
- 4. Rules and Regulations Governing Wildlife Rehabilitation – Newly Adopted**

Economic Impact:

Per RIGL §42-35.1-3

1. The proposed regulations for waterfowl and falconry governs recreational sporting activities. The Nuisance Wildlife Control Specialist regulations and the Wildlife Rehabilitation regulations concern the handling and disposition of nuisance species and rehabilitation species candidates and the impact upon species populations and public health. The Department believes that none of its proposed rule making has a potential for causing a direct financial impact upon either small business or any municipality.
2. There are no anticipated reporting, recordkeeping, or other administrative costs required for compliance with the proposed rules.
3. DEM has not identified a less intrusive or less costly alternative method to achieve the requirements mandated upon the Department to regulate the natural resources of this State.

Regulatory Flexibility:

Per RIGL §42-35.1-4

DEM has considered, without limitation, each of the following methods of reducing the impact of the proposed regulation on small businesses and determined that there is no alternative approach that would be as effective and less burdensome, given the requirements of upon the Department to regulate the natural resources of this State:

- 1) The establishment of less stringent compliance or reporting requirements for small businesses;
- 2) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- 3) The consolidation or simplification of compliance or reporting requirements for small businesses;
- 4) The establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and
- 5) The exemption of small businesses from all or any part of the requirements contained in the proposed regulation .

These rules to implement the Tolling Statute will likely aid small businesses by foregoing the cost and time associated with reapplication for permits that would otherwise have expired prior to June 30, 2011.

If you have any questions or comments on the proposed Rules, please contact one of the following:

Larry Mouradjian, Assistant Director

Christine.Dudley@dem.ri.gov

401-222-4700 Ext 2414

Gary Powers, Deputy Chief Legal Counsel

Gary.powers@dem.ri.gov

401-222-4700 Ext 2308

July 28, 2011

**NOTIFICATION FORM
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
DIVISION OF FISH AND WILDLIFE
SMALL BUSINESS REGULATORY IMPACT AND REGULATORY
FLEXIBILITY ANALYSIS**

Title of Regulation: RHODE ISLAND HUNTING REGULATIONS FOR THE
WATERFOWL SEASON 2011-2012

RHODE ISLAND FALCONRY REGULATIONS FOR
THE 2011-2012 SEASON

RULES AND REGULATIONS GOVERNING NUISANCE WILDLIFE
CONTROL SPECIALISTS

RULES AND REGULATIONS GOVERNING WILDLIFE
REHABILITATION

Statutory Authority: RIGL Chapter 31.1 SMALL BUSINESS REGULATORY FAIRNESS IN
ADMINISTRATIVE PROCEDURES

The Regulation:

The purposed rule changes would amend the regulations governing the seasons and bag limits for waterfowl hunting activities, falconry regulations and access availability for recreational users only. The proposed changes for wildlife control specialists and rehabilitators would amend the qualifications of operators and requirements as to the handling of species.

Expected Small Business Impact:

There will be no deleterious effects on small businesses. The proposed regulations will, if anything, improve the financial climate for small businesses that might assist recreational users in the increase in trade of needed commodities.

Regulatory Flexibility Analysis:

The RIDFW has determined that no small businesses may be impacted by the proposed regulations.



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

DIVISION OF FISH AND WILDLIFE

RULES AND REGULATIONS GOVERNING WILDLIFE REHABILITATION



AUTHORITY: These regulations are adopted pursuant to Chapters 42-17.1 "DEM"; 42-17.6; 20-1-4, 20-1-18, 20-1-22, 20-37-3 and in accordance with the requirements of the administrative procedures act Chapter 42-35 of the Rhode Island General Laws of 1956, as amended.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

DIVISION OF FISH AND WILDLIFE

**RULES AND REGULATIONS GOVERNING
WILDLIFE REHABILITATION**

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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

DIVISION OF FISH AND WILDLIFE

**RULES AND REGULATIONS GOVERNING
WILDLIFE REHABILITATION**

1. PURPOSE

The proper care of orphaned and/or injured wildlife requires special knowledge and facilities not possessed by the general public. Specially trained individuals, collectively called Wildlife Rehabilitators, provide for the care of injured and orphaned wildlife so that such wildlife may be returned to the wild. The purpose of these regulations is to establish the standards under which such wildlife rehabilitators may be permitted to temporarily possess wildlife protected by the Department under Rhode Island General Laws (RIGL) Chapter 20-1, in order to provide necessary aid.

2. AUTHORITY

These rules and regulations are adopted pursuant to authority vested in the Director pursuant to Chapters 42-17.1 "DEM"; 42-17.6; 20-1-4, 20-1-18, 20-1-22, 20-37-3 and in accordance with the requirements of the administrative procedures act Chapter 42-35.

3. APPLICATION

The terms and provisions of these rules and regulations shall be liberally construed to permit the Department to effectuate the purposes of state law, regulations, and policies.

4. DEFINITIONS

Wherever used in these rules and regulations the following terms shall be construed as follows:

(A) "Department or DEM " means the Rhode Island Department of Environmental Management

(B). "Director" means the Director of the Rhode Island Department of Environmental Management, or his/her duly authorized agent or agents.

(C) "Division" means the Division of Fish & Wildlife of the Rhode Island Department of Environmental Management so-called in the RIGL's; and called Fish and Wildlife (F&W) in regulations.

(D) "Endangered Species" means those species of animals designated as threatened or endangered according to the U.S. Fish and Wildlife Service as published in 50 CFR 17.11 and 17.12.

(E) "Euthanasia" for the purpose of wildlife rehabilitation means the methods as described

in the " 2000 report of the AVMA panel on Euthanasia" published in the *Journal of the American Veterinary Medical Association*, vol. 218, no. 5.

(F) "Exotic animals" as defined in these regulations refers to animals not occurring naturally, either presently or historically, within the boundaries of the State of Rhode Island including, but not limited to: Mute Swans, Monk Parakeets, Mudpuppies, and Red-eared sliders.

(G) "Fish and Wildlife" (F&W) means the Fish and Wildlife Program of DEM's Office of Natural Resources, formerly referred to as the Division.

(H) "IWRC" means the International Wildlife Rehabilitation Council

(I) "Native Wildlife" means animals occurring naturally, either presently or historically, within the boundaries of the State of Rhode Island.

"Permittee", see (U) "Wildlife Rehabilitator"(J) "Person" any individual, partnership, firm, joint stock, company, corporation, association, trust, estate, municipality, or other government entity or other legal entity.

(K) "Person" means any individual, partnership, firm, joint stock, company, corporation, association, trust, estate, municipality, or other government entity or other legal entity.

(L) "RVS Handbook", shall mean, the most current rabies vector species handbook prepared by the Division of Fish and Wildlife

(M) "Sponsor", shall mean, person previously permitted as a Level II rehabilitator, agreeing to assist between one and three Level I apprentices, according to the guidelines adopted in the sponsor packet, as provided.

(N) "Sharps" Sharps that have been used in animal or human patient care or treatment, including sharps generated from the preparation of human and animal remains for burial or cremation, or in medical, research, or industrial laboratories, including, but not limited to, hypodermic needles, syringes with or without the attached needle, pasteur pipettes, scalpel blades, blood vials, needles with attached tubing, glass carpules, and glass culture dishes regardless of presence of infectious agents. Also included are other types of broken or unbroken glassware that have been used in animal or human patient care or treatment, such as used slides and cover slips. For the purpose of these regulations, disposable syringes and needles are considered regulated medical waste after one use.

(O) "Standards" shall mean the most current "Minimum Standards for Wildlife Rehabilitation" 3rd edition 2000 established by National Wildlife Rehabilitators Association (NWRA) and the International Wildlife Rehabilitation Council (IWRC) and in accordance with these regulations.

(P) "State List" means currently listed wildlife species requiring a permit for handling.

(Q) "State Manual" means the most current wildlife rehabilitation manual prepared by the Division of Fish & Wildlife.

(R) "Sub-permittee" means persons authorized to assist with the rehabilitation of wildlife under the authority of a Level II licensee's permit.

(S) "Transporter" means persons authorized to transport wildlife to licensed wildlife rehabilitators.

(T) "Vector Species" means those species that are the most common wildlife carriers of

rabies including raccoons, skunks, bats, groundhogs, and foxes, may be referred to as RVS. (U) "Wildlife Rehabilitation" means the practice of providing care for injured, orphaned or sick wildlife including their capture, housing, feeding, emergency treatment for the primary purpose of release into the wild.

(V) "Wildlife Rehabilitator or permittee" means persons receiving a special purpose scientific collectors' permit pursuant to these rules and regulations.

5. SEVERABILITY

If any provision of these Rules and Regulations, or application thereof to any person or circumstances, is held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules and Regulations shall not be affected thereby.

6. SUPERSEDED RULES AND REGULATIONS #718

On the effective date of these rules and regulations, all previous rules and regulations (**#718**), and any policies regarding the administration and enforcement of wildlife rehabilitation shall be superseded. However, any enforcement action taken by, or application submitted to, the Department prior to the effective date of these Rules and Regulations shall be governed by the Rules and Regulations in effect at the time the enforcement action was taken, or application filed.

7. VIOLATIONS

- I. Any violation pursuant to the provisions of Title 20 of the General Laws of Rhode Island and the rules and regulations herein, either by a permittee or a sub-permittee working under said permittee may be cause for imposing penalties in accordance with the provisions of the above mentioned statute, removal of regulated species, as well as revocation of existing rehabilitation permit(s) of both the sub-permittee and responsible permittee
- II. Special Purpose Scientific Collector Permits for Wildlife Rehabilitation may be terminated by the Director for any of the following reasons:
 - A. The Wildlife Rehabilitator has ceased to meet appropriate eligibility requirements for appointment as set forth in these regulations.
 - B. The Wildlife Rehabilitator has failed to perform duties as provided in these regulations.
 - C. The Level I Wildlife Rehabilitator or sub-permittee does not meet criteria on evaluation form and is no longer endorsed by the designated sponsors.
 - D. The Wildlife Rehabilitator has ceased to have an approved wildlife rehabilitation facility available for permittee's use.
 - E. In cases where a permit is terminated, the Director, in his/her discretion, may impose a period of probation, recertification and testing, and/or reduce the level of permit, or reinstate the permit.

8. APPEAL & HEARING PROCEDURES

Opportunity for Hearing

A. Denials -- Any person whose application for a permit, permit renewal, or other approval, has been denied by the permitting agency, acting through Fish and Wildlife, may appeal to the Administrative Adjudication Division, for review of the decision on which the denial is based.

B. Violations -- Any person who has been issued a notice of violation of any of the provisions of these rules, may request a hearing from the Administrative Adjudication Division, subject to the provisions of R.I.G.L. 42-17.1-2(u).

C. Hearings and Administrative Procedure -- Pursuant to the authority granted to the Department in Chapter 42-17.7-9

1. Any person who seeks an adjudicatory hearing in order to contest an enforcement action which alleges violation(s) of these rules and regulations must file said request in writing with the clerk of Administrative Adjudication Division, 235 Promenade Street, Providence, Rhode Island, 02908 within twenty (20) days of receipt of the contested agency enforcement action.
2. Any person who seeks an adjudicatory hearing relative to the denial of a permit or sub-permit arising under these rules and regulations must file said request in writing with the clerk of Administrative Adjudication Division 235 Promenade Street, Providence, Rhode Island 02908 within thirty (30) calendar days of receipt of the contested agency action.

9. REGULATIONS

As follows:

Part 1 REQUIREMENTS

- 1.1 Criteria -- Fish and Wildlife may issue an annual special Scientific Collectors Permit to rehabilitate native wildlife to persons meeting the criteria set forth in these regulations. Prior to permit issuance, Fish and Wildlife shall determine that the applicant has met the following requirements in the categories described below:

1.1.1 Level P-Sub-permittee:

- A. Sub-permittees must pass a written examination established by the Department. Following satisfactory completion of the State test, as delineated in 1.2.8, a person may qualify to assist any class of Level II permittees under the direct supervision of the permittee. Sub-permittees are strictly prohibited from handling and rehabilitating raptors or rabies vector species (RVS) at any time. In addition, sub-permittees are strictly prohibited from handling any category of animals for which their supervising permittee has not been duly authorized to care for.
- B. Following the completion of not less than 25 hours of hands on activity and 6 hours of instructional training sufficient to demonstrate to the satisfaction of the permittee that the sub-permittee has sufficient skills and knowledge, the permittee shall be considered for off-site approval.
- C. In order to be considered for off site approval, the applicant must meet the following requirements:
 - 1A. Facility must meet or exceed the minimum standards and be inspected by the permittee on forms provided by and submitted to DEM prior to acceptance of any wildlife for rehabilitation.
 - 2B. The submission by the permittee of a written policy which shall include inter alia, the relationship to be maintained between the permittee and the sub-permittee, frequency and extent of inspection and continuing monitoring of the sub permittee. In no case shall the sub-permittees facilities not be inspected by the permittees less frequently than 1 month interval during the season for initial year and one visit per season for subsequent years and that the permittee submit a report on the progress of the sub-permittee on the form provided at 30 and 60 day intervals.

In addition to 1.1, Sub-permittees are restricted to pre-fledged songbirds and waterfowl and un-weaned non-RVS small mammals.

Sub-permittees are permitted to temporarily house post weaned non- RVS mammals for soft release only, restricted to the providing of food and water limited to a period not to exceed two weeks. Handling of soft release candidates is prohibited.

Sub-permittees must comply with all requirements set out in part 3.

1.1.2 Level I – Apprentice: Authorized to receive, rehabilitate, transfer and release all wildlife in categories listed on the permit under the supervision of a Division approved sponsor and under conditions specified in the regulations. Applicants for licensure as Level 1 rehabilitators must present a written letter of recommendation by Level II or IIA rehabilitator willing to serve as the applicant's sponsor/consultant during the first year of applicant's apprenticeship and must pass a written examination established by the Department and successfully complete the IWRC Basic Wildlife Rehabilitation Course. Apprentices must consult their sponsor immediately after receiving any wildlife, as well as adhering to regulatory requirements. Level I permittees are not authorized to sponsor or list sub-permittees on their permit.

1.1.3 Level II – Qualified persons are persons who were previously licensed as a Level II rehabilitator in Rhode Island or in another state having equivalent requirements and offering reciprocal privileges to licensed rehabilitators of this state, or who have currently held a Level I permit for 1 (one) year with a letter of recommendation from a Level II sponsor and having passed required examination, may apply for licensure by the Division as a Level II rehabilitator. Sub-permittees are permitted to assist under the direct supervision of Level II permittees. Level II permittees are directly responsible for the action of any sub-permittee acting under his /her permit. Level II permittees shall sponsor no more than 5 sub-permittees as an individual or 10 sub-permittees at an approved center.

1.1.4 Level II R - Persons meeting Level II requirements, having held a previous Level II R permit or with a letter of recommendation from a Level II R sponsor.

1.1.5 Level F - Qualified persons holding a valid Rhode Island General or Master class Falconer permit may obtain a permit restricted to raptors. Level R permit holders are required to adhere to all requirements set out in part 1.1 with the exception of the IWRC class.

1.1.6 Level T - Qualified persons are limited to the **transport only** of non-rabies vector species native wildlife. Qualified persons shall be those holding transport permits in the past or individuals who have attended and successfully completed class in transporting wildlife, approved by the Division.

1.1.7 Level TX - Qualified persons are limited to the transport of non-vector species and rabies vector species. In addition to above transport requirements, Level TX permit holders must abide by the conditions in Part 3 of these rules and regulations and the requirements in the most recent RVS Handbook and the most recent State Rabies Protocol Manual.

1.1.8 Level II V - Restricted to veterinarians licensed in the State of Rhode Island.

1.1.9 Level II X - Qualification is limited to those persons meeting Level II requirements in addition to the conditions, requirements, and training as described in Part 5 and the referenced most recent RVS Handbook and most recent State Rabies Protocol Manual.

1.2 Application Requirements For All Categories -- The application shall include but not be limited to the following:

1.2.1 Certification that the applicant is at least 18 years of age, and a resident of Rhode Island;

1.2.3 Submission of a letter of acceptance from sponsor as required

1.2.4 Submission of a letter from Rhode Island licensed and permitted veterinarian, agreeing to provide services at no cost to the state

1.2.5 A description of applicant's education and experience

1.2.6 An address and description of the applicant's rehabilitation facility. Facility must meet or exceed minimum standards as defined and be available for inspection by the Department at any reasonable hour.

1.2.7 Designate category of permitted native wildlife that the applicant wishes or is qualified to rehabilitate (small mammals, small birds, reptiles, raptors, rabies vector species or all)

1.2.8 Prior to licensure, first-time applicants and sub-permittees must attain a grade of 80 percent or higher on the open book written examination administered by the Department. First-time applicants, excluding sub-permittees, must also attain a grade of 70 percent or higher on the exam administered by the International

Wildlife Rehabilitation Council in the Basic Wildlife Rehabilitation Course; veterinarians and general or master falconers are exempt.

- 1.2.9 Submission of applicant's USFWS special purpose rehabilitation permit, if applicable, or copy of application if pending. A federal permit is required prior to handling of any federally regulated species pursuant to 50 CFR Part 13 and 50 CFR 21.27.29
- 1.2.10 Certification by the applicant that no local ordinances prohibit the possession of wildlife and/or that the possession of wildlife does not violate any rental or real estate agreement at the facility where the applicant proposes to conduct wildlife rehabilitation. Applicant must also submit a letter of approval from employer if wildlife is to be temporarily housed at a work facility, to include the address and description of the facility.
- 1.2.11 Certification from the applicant on application provided by the Division that all rehabilitation activities will comply with these regulations.
- 1.2.12 Certification of proof of Tetanus vaccine within the last ten years, and additionally for rabies vector species, proof of rabies vaccination or report of antibody titer >0.5 IU checked at least every two years.
- 1.2.13 Certification that the applicant has not been convicted of a violation of any provisions of these regulations, has not been convicted of or pleaded guilty to a RIGL Title 20 misdemeanor, or had his/her license to rehabilitate wildlife in Rhode Island revoked or suspended within three years prior to application.

Part 2

PERMIT ISSUANCE

2.1 Interview and inspection by a Division representative of a first-time applicant or apprentice to assess the applicant's compliance with licensing requirements and facilities as described in the Standards; Level II-X applicants require an additional inspection, meeting the criteria in Part 5 and RVS Handbook.

2.2 Issuance of permits may be made by the Department, notwithstanding availability in the program, sponsorship availability, level of expertise and upon:

- 2.2.1 Receipt of completed application providing the information enumerated under Part 1; and for Level II-X applicants, additionally, Part 5.
- 2.2.2 Submission of completed rehabilitation log sheet(s) on forms provided with information required, on or before January 7 following the expiration date of past license, if applicable and;
- 2.2.3 Submission of proof of a minimum of 12 hours of continuing education credits within three years of permit issuance for Level I, Level II, and Level IIX permit holders.
- 2.2.4 Payment of the twenty-five dollar (\$25) non-refundable permit fee, sub-permittees are exempt.
- 2.2.5 Pending verification of information, permit may then be issued, indicating the level of expertise, category(s) of wildlife species, and expiration date of the permit.

Part 3

SPECIAL CONDITIONS

3.1 No person shall rehabilitate, handle, release or transport any wildlife, except as provided in parts 3.2, 3.5, and 5 of these rules and regulations without having first obtained the appropriate permit as designated in Part I from the Department.

3.2 No person shall rehabilitate, handle, release or transport any wildlife other than the categories specifically set out in the permit, and in compliance with the state list. Persons may transport non-rabies vector species to rehabilitators, provided rehabilitator records name, address, and telephone number of said person. **Exception:** Rabies vector species transport must conform to conditions in Parts 1 and 5 and the RVS Handbook.

3.3 No person shall rehabilitate, handle, release or transport any species, as defined in these regulations as "Exotics."

3.4 There is no permit required for the rehabilitation, handling, release or transportation of the following species: mice, shrews, voles, moles, house sparrow, Rock Dove, and European Starling.

3.5 Veterinarians may provide emergency first aid to any member of an endangered or threatened species, without first obtaining a permit, provided that notification is given to the Division within 48 hours as to the species, nature of the injury/illness, location where the species was encountered, description of the service provided, and last location where the wildlife was seen. Such species shall be transferred to a licensed rehabilitator within 48 hours, or as soon as medically stable, with additional notice to the Division, to include notice after release, and/or euthanasia. Permittees must further comply with federal regulations. Licensed veterinarians may give emergency treatment without obtaining a rehabilitation permit, to the remainder of the non-rabies vector state listed species, providing that the species be transferred to permitted facility within 48 hours. Notification must be made to the Division within 48 hours of initial contact.

3.6 No person shall release any non-vector species rehabilitated wildlife at a location other than the point of origin, or in suitable habitat and season for that species within the boundary of Rhode Island except that no mammal, reptile, or amphibian shall be released onto any of the islands of Narragansett Bay or Block Island unless the animal in question originated from that location. Refer to Part 5 of the rules and regulations for release conditions of vector species

3.7 All permittees and sub-permittees must operate under all aspects of the current standards

and manual guidelines, as defined, and in accordance with these regulations with regard to care and facilities or have a working relationship with permittees with appropriate facilities. Permittees must maintain initial physical evaluation form, to include location of origin, name, address, and telephone number of transporter in accordance with Part 3.2; and disposition logged on each individual. Permittees must maintain a current Sub-permittee Transfer log, on forms provided by DEM, to track the species, date and location of wildlife to their sub-permittees. Facilities and log sheets may be inspected at any reasonable hour by the Department's designee. Wildlife shall be held no longer than necessary for the restoration of its health and when wildlife is rehabilitated, after which it shall immediately be released to the wild at its point of origin, or in suitable habitat and as specified in 3.6. Such log sheets shall contain, at a minimum, the information as shown in the IWRC basic skills manual. Refer to Part 5 of the rules and regulations for additional documentation required for rabies vector species.

3.8 In addition to the provisions in 50 CFR 17 and 21, certain diseases must be reported to the DEM and the DOH. As a requirement of this permit, you are required to notify the proper department if you encounter or suspect any of the following as listed in "Reportable Disease in Rhode Island".

3.9 Wildlife held under this permit must be released as soon as possible in accordance with criteria established in the "Standards" and into a suitable habitat for that species. All wildlife being treated shall be released to the wild within forty-eight (48) hours of the subject wildlife meeting the "Minimum Standards for Release of Wildlife Following Rehabilitation" as described in Section 7.2 of International Wildlife Rehabilitation Committee and National Wildlife Rehabilitation Association as published in 2000 (a copy of which is attached and incorporated herein). All wildlife being treated shall be released to the wild or euthanatized as soon as its condition can be determined and not later than ninety (90) days of the commencement of treatment. If it is determined by the Division that it is probable that the wildlife being treated will not be able to be released to the wild within ninety (90) days of the commencement of treatment, the wildlife shall be euthanatized within twenty-four (24) hours of the Division's determination unless prior written Division approval is received authorizing extended care of the wildlife. Refer to Part 5 for rabies vector species.

3.10 Wildlife held under this permit shall not be owned, sold, offered for sale, purchased, bartered, offered for barter, tamed, neutered, used for propagation purposes or used to conduct commercial transactions of any nature.

3.11 Permittees may not transport wildlife across state borders unless appropriate notification is made to RI DEM Division of Fish and Wildlife or, outside of normal business hours, the

Division of Law Enforcement, and in accordance with applicable federal or state regulations including but not limited to the Federal Lacey Act 50 CFR 20.

3.12 Permittees may transfer wildlife to other Rhode Island permitted rehabilitation facilities with like permits to include categories of animals, i.e., small birds, small mammals, raptors, but shall not delegate to any other person the authority granted by this permit. The total duration of rehabilitation shall be in compliance with 3.8. For rabies vector species refer to Part 5.

3.13 The Department reserves the right to repossess any animal held pursuant to these regulations at any time.

3.14 Permittee must notify the department within 30 days prior to moving to another facility.

3.15 Permittees and sub-permittees must possess at all times a current wildlife rehabilitation identification card when in possession of wildlife outside the facility and must display permit in a prominent location at their facility.

3.16 Sub-permittees cannot accept wildlife directly from the public, prescribe medication, or perform euthanasia. Sub-permittees must report illness, changes in condition, failure to thrive, escapes or death of wildlife in their care to permittees within 24 hours by telephone and written on designated log sheets, documenting both condition and reporting. In case of illness or failure to thrive, permittee must additionally return above wildlife to permittee or his/her level II designee within 24 hours. All wildlife must be returned to the premises of the permittee within 7 days following weaning for small mammals and 3 days for birds. All disposals of carcasses must be provided in a manner consistent with state and municipal regulations.

3.17 Any permittee may terminate his/her relationship with any sub-permittee or apprentice at any time. If a permittee elects to terminate said relationship, the permittee shall notify both the Division and sub-permittee/apprentice, in writing, in not more than 5 days following termination. Sub-permittees/apprentices must return any animals in his/her care upon receipt of notice of termination.

3.18 All permits expire at the end of the calendar year. Permits must be renewed and are only valid after receipt of completed renewal application, and other conditions as detailed in Part 2 and/or Part 5.

3.19 Permittees must agree, in writing, to hold the state harmless for any damage, injury, or disease caused by any wildlife held under the permit, to include treatment for or prevention of such. Permittees assume all liability associated with this permit.

Part 4

OTHER RESTRICTIONS

4.1 Nothing in these regulations shall be interpreted as permitting the unlicensed practice of veterinary medicine to include but not be limited to: the diagnosis, treatment or dispensing of pharmaceuticals in accordance with Section R5-25-DOH Veterinary Rules and Regulations. Medications must be labeled, stored and disposed of in accordance with said Rules and Regulations. The State assumes no responsibility for the cost of such care.

4.2 Nothing in these regulations permits the use of regulated medical supplies including but not limited to syringes and drugs without specific conformance with Section R21-28-CS-4 of the DOH Rules and Regulations governing Hypodermic Needles, Syringes, and Other Such Instruments and Drugs.

4.2.1 Nothing in these regulations permits the disposal of excess or unused needles unless in accordance with DOH Rules and Regulations R21-28-CS-4, Section 4 and DEM –DAH-MW-01-92 Rules and Regulation Governing the Generation, Transportation, Storage, Treatment, Management & Disposal of Regulated Medical Waste in Rhode Island.

4.2.2 Disposal of sharps generated by permittees or sub-permittees must conform with section 13.02a, b, and c of the above-stated regulations, providing for small generators at satellite facilities to transport sharps from point of origin to a central collection point. Generators must contact the RI DEM Office of Waste Management with a letter of request for approval of satellite facilities, providing names and addresses of off-site generators. Permittees and sub-permittees are responsible to log the transport of sharps from satellites on forms provided by DEM. Sharps must be stored in approved containers and transferred to the central collection point as requested by the central collection point when the container is full or when permittee/sub-permittee ceases to be licensed for wildlife rehabilitation.

4.3 Obtaining a permit pursuant to these regulations does not preclude the permittees conformance with such other Federal, State or local requirements for licensure certification or permit which may be required.

4.4 Permittee may not demand a fee or otherwise charge for services rendered under conditions of this permit. Nothing precludes permittee from accepting a donation(s).

PART 5

RABIES VECTOR SPECIES (RVS)

Special Conditions & Requirements

5.1 Applicants for licensure of a Level II-X permit to rehabilitate RVS must have previously possessed a valid Level II Rhode Island Rehabilitator Permit, meet all permit conditions, requirements, record keeping [see Part 3.7], in addition to the conditions outlined in Part 5, the State Rabies Protocol Manual and the RVS Handbook.

5.2 Only apparently healthy, orphaned young of the year (less than 10-weeks of age) raccoons, foxes, skunks, and woodchucks, and bats of any age are candidates for rehabilitation and only if no human or animal exposure has occurred, as determined by the Rhode Island Department of Health (DOH). Apparently healthy animals shall be those animals that show no signs of behavioral, neurological, or locomotive impairments. Young of the year raccoons, foxes, skunks, woodchucks, and bats that have wounds of unknown origin and adult raccoons, foxes, skunks, and woodchucks shall not be candidates for rehabilitation and must be euthanized.

5.3 Level II-X permittees must notify the DOH immediately upon admission of RVS and adhere to DOH procedures appropriate sections in the State Rabies Protocol Manual and the format outlined in the RVS Handbook as a condition of the permit. Level II-X rehabilitators will be responsible for pick-up and transport of RVS and will provide additional information on the person(s) finding the RVS [*see RVS Handbook*]. Level II-X permittees may make arrangements with Level TX permittees only. This permit does not authorize the care of RVS to transport permittees. DEM or DOH personnel will not provide transport of RVS to Level II-X permittees. Transfer of RVS from Level II-X to Level II-X, only will be permitted, providing immediate notification to DOH of the name and address of new location.

5.4 All applicants must obtain a State Rabies Manual and a RVS Handbook available from the Division and certify on the application the Division provides that all rehabilitation procedures and facilities will be adhered to, as a condition of the permit, to include appropriate forms and DOH notification.

5.5 Level II-X permit holders must provide facilities, as a condition of licensure, that meet or exceed the requirements listed in the RVS Handbook. Facilities must be inspected by a Division designee with a form provided by the Division, prior to license issuance.

5.5.1 Facilities must additionally meet IWRC criteria for specific species as specified in standards manual.

5.5.2 Immediately upon receipt by the licensee, each individual RVS must be identified with an external marker or held in such a manner that permits positive identification of the specific animal until that animal is released.

5.6 Any RVS accepted as a candidate for rehabilitation must be released as soon as they are able to survive in the wild, and no later than September 30. Following IWRC Basic Skills Manual, a soft release, no longer than two weeks, will be permitted in a natural setting with natural foods. The DOH must be notified immediately if RVS dies. Any cage mates of a rabies positive RVS must also be euthanized. RVS that cannot be released must be euthanized following criteria outlined in the RVS Handbook.

5.6.1 Level II-X permittees are required to take any RVS showing any abnormal behavioral, neurological, or locomotive signs to the designated Level II-V on their application for examination as soon as possible.

5.7 RVS cannot be released on state or federally owned land. Written permission from private landowner must be obtained prior to release and become part of the individual RVS record.

5.8 Veterinarians with Level II-V permits will be permitted to euthanize RVS under criteria established by DOH, as outlined in 5.2 and 5.7.

5.9 Level II-X permit holders assume all liability in association with this activity

RULE 10 EFFECTIVE DATE

The foregoing- Rules and Regulations Governing Wildlife Rehabilitation, after due notice, are hereby adopted and filed with the Secretary of State to become effective twenty (20) days thereafter, in accordance with the provisions of Chapters 42-17.1 “DEM”; 42-17.6; 20-1-4, 20-1-18, 20-1-22, 20-37-3 and in accordance with the requirements of the administrative procedures act Chapter 42-35.of the General laws of Rhode Island of 1956, as amended.

Janet Coit
Director, Department of Environmental Management

